IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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THURSDAY, THE TWENTY FIFTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

* * *

WP.No.18828 OF 2005

Between:

Garlapati Damodhar Naidu … Petitioner

Versus

The District Collector,

Chittoor district & Ors. … Respondents

Counsel for the Petitioner: Mr.M.Sreeramulu Reddy (1754)

Counsel for the Respondents 1 to 3: GP for Revenue

Counsel for the Respondent No. 4: None appeared

O R D E R :

This writ petition is filed questioning the action of the respondents 1 to 3 in not closing the borewell situate in survey no.1003 Udayamanikyam village of Erravarepalle Revenue Mandal, Chittoor district, which is contrary to the Andhra Pradesh Water, Land and Trees Act, 2002 and rules made therein and further not considering his representation dated 22-7-2005 and 01-8-2005 respectively seeking to stop the above bore well, which is at a distance of 20 feet to my well, which is contrary to the provisions of Sections 8 and 13 and Rule 11 and 12 of the A.P. Water, Land and Trees Act, 2002.

It is submitted that as per records there was a water tank by name Dasarikunta existing to an extent of Acs:9-00 in survey nos. 1100 and 1103 situate at Udayamanikyam village, Erravarepalle Revenue Mandal. Under the said water tank, the petitioner is having an extent of Acs:4-26 cents, which comes under survey nos.

1111, 1112, 1113, 1114-2, 1114-4, 1115-1, 1117, 1118-2, 1119-1, 1110-3, 1123-2, 1124-2, 1125 and 1126 and the said land is his ancestral property.

It is also submitted that towards southern side of the said water tanki, the petitioner is having an extent of Ac:0-60 cents in survey nos. 1101, 1105-1, 1106-3, 1106-5, 1106-6, 1106-9. Beside the said land, the petitioner is having another Acs:8-00 of mango garden in survey nos. 1060-A, 1060-B, 1060-B2, 1061-1, 1061-2, 1061-3, 1062-A, 1063-2, 186 and 465, which are his ancestral properties.

It is further brought to the notice of this court that Mr.Siddamma Naidu, who is respondent no.4 herein also having Ac:0-10 cents of the land is depending upon the said water tank and is holding Acs:3-00. In survey no.103 an extent of Ac:0-50 cents were occupied by the said person and using for his agriculture purpose of levelling the same and also dug two bore wells in the said survey no.1103 and using water from the said two bore wells to the said lands. Previous year, the Government fixed the boundaries and also dug the canals for the said water tank, at present, the respondent no.4 being closed the canals and also occupied the land in boundaries fixed by the Government and dug two bore wells.

The land in survey no.1101 is his ancestral property and having water well in the said land and it is a distance of 20 feet in survey no.1103. On account of digging the bore well, the water level in his well has come to an end. The petitioner submits that he is cultivating Ac:0-60 cents of sugar cane crop depending upon the said well and also Acs:8-00 of mango garden by using dip irrigation system by virtue of the said borewell. Now he is unable to provide and supply water to his agriculture field. The petitioner further submits that many of the agriculturists protested against the

fourth respondent for having forcibly encroached the water tank and dug bore wells by pumping water and that he also raised water tank level and causing huge loss to his lands on account of short fall of water in his well.

The petitioner further submits that the fourth respondent dug the bore well without registration of the same under section 8 of the Act and without obtaining permission from the authorities. Moreover, the authorities have sunk the bore-well in contravention of the Act and they should have closed the bore-well and ought to have seized the material and equipment.

Considering the facts and circumstances, without going into merits of the case or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the respondents 1 to 3 to consider and dispose of the representation dated 22-7-2005 and 01-8-2005 respectively submitted by the petitioner and pass appropriate order on merits and in accordance with law within three months from the date of receipt of a copy of this order, after giving notice to the fourth respondent, and if any other affected party, as well as affording an opportunity hearing the petitioner.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 25th, 2005. ----------

I s L. ELIPE DHARMA RAO , J.